IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Bail Appl..No. 967 of 2007()

CC.454/2004 of J.M.F.C.,ALATHUR

.....

PETITIONER/ACCUSED:

FAISAL, S/o. BEERAN HAJI, AGED 25 YEARS
KUTTOOR NORTH, A.R. NAGAR, MALAPPURAM DISTRICT.

BY ADV. SRI.JOHNSON P.JOHN
SRI.BABY MATHEW

RESPONDENTS:

---

1. STATE OF KERALA REPRESENTED BY
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   NEMMARA POLICE STATION,
   PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - -

BAIL APPLICATION NO. 967 OF 2007

- - - - - - - - - ---------- - - - - -

DATED THIS THE 13TH DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the second accused in Crime No.83/02 of Nenmara Police Station for an offence punishable under section 379 read with section 34 IPC, seeks anticipatory bail.

2. Admittedly, the case is pending before the J.F.C.M., Alathur as C.C.No.454/04. Consequent on the non-appearance of the petitioner before that court, his bail is alleged to have been cancelled and non-bailable warrants of arrest are alleged to have been issued. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn